



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
Chief Executive Officer

January 22, 2008

To: Supervisor Yvonne B. Burke, Chair  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to be "WTF", followed by a stylized flourish.

Board of Supervisors  
GLORIA MOLINA  
First District

YVONNE B. BURKE  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

## **SKILLED NURSING AND CONVALESCENT HOMES GRADING SYSTEM**

On November 20, 2007, your Board approved a motion by Supervisor Antonovich directing my office to work with the Department of Public Health (DPH) to research the viability of inspecting and posting grades at skilled nursing homes and convalescent homes and report back to the Board in 60 days. This report is in response to that motion.

### **History and Legal Issues**

In September 2003, your Board approved a similar motion instructing the Department of Health Services (DHS), in consultation with County Counsel, to evaluate the fiscal and legal implications of establishing a letter grade system for the rating of community clinics, nursing homes, and health facilities within the County of Los Angeles.

The 2003 opinion concluded that State and federal laws already comprehensively regulate clinics, nursing homes, and other health facilities. Specifically, the California Legislature has vested the authority to inspect and regulate these facilities solely with the California Department of Health Care Services (CDHCS). CDHCS has contracted with the County to provide inspection and ancillary services. However, CDHCS has retained all regulatory enforcement authority and has not delegated its statutory duties to the County. Rather, the County's involvement in the regulation of these facilities is as an agent of the State, and the Legislature has vested no independent inspection or enforcement authority over these facilities with the County.

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County Counsel has reviewed this matter again in response to the November 20, 2007 Board motion, and has advised that there have been no changes to the applicable laws and regulations regarding the County's legal ability to establish a grading system for skilled nursing and convalescent homes. Accordingly, the findings from the 2003 opinion still apply and suggest that the County does not have the authority to impose a mandatory grading system for these facilities.

**Next Steps**

Given the findings of County Counsel in this matter, my office and DPH are exploring other options for improving consumer information about skilled nursing and convalescent homes, which may accomplish the same purpose as establishing a letter grading system. We will provide another report to you on this matter by March 20, 2008.

If you have any questions or need additional information, please feel free to contact me or your staff may contact Tami Omoto-Frias of my staff at (213) 893-9741.

WTF:SRH  
SAS:TOF:bjs

c: Executive Officer, Board of Supervisors  
County Counsel  
Director and Health Officer, Department of Public Health

Skilled Nursing\_mbs